

REMARKS

Claim Rejections

Claims 1-7 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-2 and 4-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Satsukawa et al. (US-6,379,249). Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Satsukawa et al. in view of Rockhold et al. (US-4,772,028).

Drawings

Applicant proposes to amend Figure 1, as illustrated in red on the attached photocopy. In Figure 1, it is proposed to add the label –Prior Art–. No “new matter” has been added to the original disclosure by the proposed amendment to this figure. It is believed that the foregoing proposed drawing change obviates the outstanding objection to the drawings. Approval of the proposed drawing change is respectfully requested.

It is noted that no Patent Drawing Review (Form PTO-948) was received with the outstanding Office Action. Thus, except for the above proposed drawing corrections, Applicant must assume that the drawings are acceptable.

Abstract of the Disclosure

Applicant is submitting a substitute Abstract of the Disclosure for that originally filed with this application to more clearly describe the claimed invention. Entry of the substitute Abstract of the Disclosure is respectfully requested.

New Claims

By this Amendment, Applicant has canceled claims 1-7 and has added new claims 8-13 to this application. It is believed that the new claims specifically set forth each element of Applicant's invention in full compliance with 35 U.S.C. § 112, and define subject matter that is patentably distinguishable over the cited prior art, taken individually or in combination.

The new claims are directed toward a gun type main game machine for use with a display device (90) comprising: at least one light gun (20) having: a plurality of operating buttons (21-24) located on an exterior of the at least one light gun; a power switch (25) located on the exterior of the at least one light gun; a trigger (50); and image, sound, and power lines (26) extending therefrom, the image line and the sound line being connected to an image socket and a sound socket of the display device and the power line being connected to a transformer (27) that is connected to a power supply; and an electric circuit board (30) having: a single chip microprocessor (31) located on the circuit board; a microswitch (32) controlled by the trigger located on the circuit board; a plurality of light emitting diodes (33) located on the circuit board; and a photoelectric diode (34) located on the circuit board and electrically connected to the microswitch, wherein the photoelectric diode is controlled by the trigger to produce an externally projected light beam.

Other embodiments include: the at least one light gun includes a battery set (261) for supplying electric power; the at least one light gun has an extension groove (28) containing a connecting means (29); the trigger includes a trigger end (51) and a moving end (52), the moving end of the trigger is connected to the microswitch, wherein the microswitch is controlled by the moving end during operation of the trigger end; a light guiding shade (35) and a lens (36), the photoelectric diode is located on a front of the electric circuit board, and the light guiding shade located between the photoelectric diode and the lens; and the at least one light gun includes a first light gun (20) and a second light gun (200), and further comprises an extension line (263) electrically connected at a first end thereof to the first light gun and at a second end thereof to the second light gun.

The primary reference to Satsukawa et al. discloses an image generation device including a display screen (12-1, 12-2) and a hand gun-shaped controller (22-1, 22-2) connected to the display screen. The hand gun includes an lens (30-1, 30-2), photosensors (32-1, 32-2), and triggers (36-1, 36-2).

On page 3 of the outstanding Office Action, the Examiner admits that "Satsukawa is silent regarding the explicit disclosure of a single chip microprocessor." Satsukawa et al. do not teach a plurality of operating buttons located on an exterior of the at least one light gun; a power switch located on the exterior of the at least one light gun; the image line and the sound line being connected to an image socket and a sound socket of the display device and the power line being connected to a transformer that is connected to a power supply; a plurality of light emitting diodes located on the circuit board; the at least one light gun includes a battery set for supplying electric power; the at least one light gun has an extension groove containing a connecting means; the trigger includes a trigger end and a moving end, the moving end of the trigger is connected to the microswitch, wherein the microswitch is controlled by the moving end during operation of the trigger end; the photoelectric diode is located on a front of the electric circuit board, and the light guiding shade located between the photoelectric diode and the lens; nor do Satsukawa et al. teach an extension line electrically connected at a first end thereof to the first light gun and at a second end thereof to the second light gun.

The secondary reference to Rockhold et al. discloses an electronic shoot out game including a gun (12), a control monitor (20) having a plurality of lights (26, 28), and a base station receiver (40). The gun includes a lens (69), a trigger (54), and a battery (85).

Rockhold et al. do not teach a plurality of operating buttons located on an exterior of the at least one light gun; a power switch located on the exterior of the at least one light gun; the image line and the sound line being connected to an image socket and a sound socket of the display device and the power line being connected to a transformer that is connected to a power supply; a single chip microprocessor located on the circuit board; a plurality of light emitting diodes located on the circuit board; the at least one light gun has an extension groove containing a connecting means; the trigger includes a trigger end and a moving end, the moving end of the trigger is connected to the microswitch, wherein the microswitch is controlled by the moving end during operation of the trigger end; the

photoelectric diode is located on a front of the electric circuit board, and the light guiding shade located between the photoelectric diode and the lens; nor do Rockhold et al. teach an extension line electrically connected at a first end thereof to the first light gun and at a second end thereof to the second light gun.

Even if the teachings of Satsukawa et al. and Rockhold et al. were combined, as suggested by the Examiner, the resultant combination does not suggest: 1) a plurality of operating buttons located on an exterior of the at least one light gun; 2) a power switch located on the exterior of the at least one light gun; 3) the image line and the sound line being connected to an image socket and a sound socket of the display device and the power line being connected to a transformer that is connected to a power supply; 4) a single chip microprocessor located on the circuit board; 5) a plurality of light emitting diodes located on the circuit board; 6) the at least one light gun has an extension groove containing a connecting means; 7) the trigger includes a trigger end and a moving end, the moving end of the trigger is connected to the microswitch, wherein the microswitch is controlled by the moving end during operation of the trigger end; 8) the photoelectric diode is located on a front of the electric circuit board, and the light guiding shade located between the photoelectric diode and the lens; nor does the combination suggest 9) an extension line electrically connected at a first end thereof to the first light gun and at a second end thereof to the second light gun.

It is a basic principle of U.S. patent law that it is improper to arbitrarily pick and choose prior art patents and combine selected portions of the selected patents on the basis of Applicant's disclosure to create a hypothetical combination which allegedly renders a claim obvious, unless there is some direction in the selected prior art patents to combine the selected teachings in a manner so as to negate the patentability of the claimed subject matter. This principle was enunciated over 40 years ago by the Court of Customs and Patent Appeals in In re Rothermel and Waddell, 125 USPQ 328 (CCPA 1960) wherein the court stated, at page 331:

The examiner and the board in rejecting the appealed claims did so by what appears to us to be a piecemeal reconstruction of the prior art patents in the light of appellants' disclosure. ... It is easy now to attribute to this prior art the knowledge which was first

made available by appellants and then to assume that it would have been obvious to one having the ordinary skill in the art to make these suggested reconstructions. While such a reconstruction of the art may be an alluring way to rationalize a rejection of the claims, it is not the type of rejection which the statute authorizes.

The same conclusion was later reached by the Court of Appeals for the Federal Circuit in Orthopedic Equipment Company Inc. v. United States, 217 USPQ 193 (Fed.Cir. 1983). In that decision, the court stated, at page 199:

As has been previously explained, the available art shows each of the elements of the claims in suit. Armed with this information, would it then be non-obvious to this person of ordinary skill in the art to coordinate these elements in the same manner as the claims in suit? The difficulty which attaches to all honest attempts to answer this question can be attributed to the strong temptation to rely on hindsight while undertaking this evaluation. It is wrong to use the patent in suit as a guide through the maze of prior art references, combining the right references in the right way so as to achieve the result of the claims in suit. Monday morning quarterbacking is quite improper when resolving the question of non-obviousness in a court of law.

In In re Geiger, 2 USPQ2d, 1276 (Fed.Cir. 1987) the court stated, at page 1278:

We agree with appellant that the PTO has failed to establish a *prima facie* case of obviousness. Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching suggestion or incentive supporting the combination.

Applicant submits that there is not the slightest suggestion in either Satsukawa et al. or Rockhold et al. that their respective teachings may be combined as suggested by the Examiner. Case law is clear that, absent any such teaching or suggestion in the prior art, such a combination cannot be made under 35 U.S.C. § 103.

Neither Satsukawa et al. nor Rockhold et al. disclose, or suggest a modification of their specifically disclosed structures that would lead one having ordinary skill in the art to arrive at Applicant's claimed structure. Applicant hereby respectfully submits that no combination of the cited prior art renders obvious Applicant's new claims.

Summary

In view of the foregoing amendments and remarks, Applicant submits that this application is now in condition for allowance and such action is respectfully requested. Should any points remain in issue, which the Examiner feels could best be resolved by either a personal or a telephone interview, it is urged that Applicant's local attorney be contacted at the exchange listed below.

Respectfully submitted,

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By:



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